

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGEL CHEVRETT,

Plaintiff,

- against -

FLEXCO, LLC,
IFWT, INC.

Defendants.

Docket No. 1:18-cv-06304 (LAK)

DEFAULT JUDGMENT

AGAINST IFWT, INC.

This matter came before the Court on plaintiff Angel Chevrestt ("Plaintiff")'s motion for entry of a default judgment against defendants Flexco, LLC and IFWT, Inc. (collectively, the "Defendants") under Rule 55(b)(2) of the Federal Rules of Civil Procedure. After having considered the arguments and authorities submitted by the Plaintiff, the Court finds as follows:

1. Plaintiff's amended complaint and summons were served on Defendants on October 8, 2019. An affidavit of service was filed with the Court on November 15, 2018.
2. On April 19, 2020, the Clerk of the Court for the United States District Court, Southern District of New York entered a ^{certificate of} default against Defendants for failure to plead or otherwise defend this action.
3. Defendants are not minor, nor incompetent persons, nor members of the military service of the United States.
4. Plaintiff filed his application for entry of default judgment seeking \$90,000 in statutory damages for copyright infringement based on three works, \$30,000 in statutory

damages for removal and/or alteration of copyright management information based on three violations, \$2550.00 in attorneys' fees, and \$480.00 in costs plus interest.

5. Defendants have not filed any opposition to Plaintiff's application for default judgment.

6. The Court scheduled a hearing for Plaintiff's application on _____ and Defendants failed to appear.

6. The Court having granted plaintiff's motion for an ITWT but denied it as to Flexco,

THEREFORE, IT IS ADJUDGED AND ORDERED that _____

_____ of Default Judgment is GRANTED pursuant to Fed.R.Cv.P. 55(b)(2). It is

FURTHER ORDERED that the Court declares that Defendants violated Plaintiff's exclusive rights under 17 U.S.C. § 106 of the Copyright Act by engaging in unauthorized copying of Plaintiff's registered work and violated 17 U.S.C. § 1202(b) by removal and/or alteration of Plaintiff's copyright management information; it is

plaintiff shall have no recovery of defendant ITWT, etc.

(1) statutory damages under 17 U.S.C. § 504(c) *is in the amount of \$750.00,*

FURTHER ORDERED that Defendants shall pay jointly and severally \$30,000.00 in

(2) statutory damages under 17 U.S.C. § 1202(c)(3)(B) *is in the amount of \$2,500.00, and \$1,000.00*

(3) FURTHER ORDERED that Defendants shall pay jointly and severally _____ in

attorneys' fees and \$440.00 in costs pursuant to 17 U.S.C. § 505; *for an aggregate recovery of \$4690.00, and it is*

FURTHER ORDERED, that Defendants shall pay post-judgment interest under 28

U.S.C.A. § 1961; it is

FURTHER ORDERED that this Court retains jurisdiction over any matter pertaining to this judgment; and it is

~~FURTHER ORDERED~~ that this case is dismissed and the Clerk of the Court shall
remove it from the docket of the Court

This is a final appealable order. See FED. R. APP. P. 4(a)

Dated: 2/13/2020

SO ORDERED.

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", written over a horizontal line.

Lewis A. Kaplan (U.S.D.J.)